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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,131

02/19/2004

David Barry Berger

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EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

05/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,131

Applicant(s)

BERGER, DAVID BARRY

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 12-15,27-42,46-50,56-62 and 65 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 51-55 is/are allowed.
- 6) ☐ Claim(s) 1-11,16-23,25,26,43-45,63 and 64 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/1/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Election/Restrictions

Newly submitted claim 65 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 65 constitutes a subcombination claim drawn to a Venetian blind actuating mechanism whereas all claims previously submitted comprised the combination of the Venetian blind and the window and blind. Consequently, the subcombination and combination claims would have been properly restrictable if they had been originally presented.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 65 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Specification

The disclosure is objected to because of the following informalities: on page 11, "outer support plate" 82 is inconsistent with the drawings and other places in the spec. The outer plate is elsewhere numbered "84". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 22 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22, there is no antecedent basis for "carriage assemblies" and "said chassis".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 63 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Anderson 4,588,012.

See inner carriage 30 and external carriage 20, each of which have plural magnets which constitute “carriage assemblies”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson '012 in view of Early et al.

In addition to the discussion of Anderson above, see also panes 2,3. What is not shown is the friction reducing element. However, providing rollers is well known in this art, as illustrated by Early et al and it would have been obvious to modify Anderson to have such rollers in view of this teaching to reduce friction.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson '012 in view of Early et al, as applied above, and further in view of Spangenberg.

The mounting of the magnets in Anderson is unclear. However, Spangenberg discloses magnets 67 mounted solely by magnetic attraction, column 5, lines 3-12, thereby defining "floating" as defined by Applicant. In view of this teaching, it would have been obvious to provide such a mounting means for Anderson so as to encourage proper alignment between the interior and exterior magnets.

Claims 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spangenberg in view of Anderson or Rossini et al.

Spangenberg discloses everything, as discussed above, except the disclosure of plural magnets, i.e. "carriage assemblies", on the outside of the window. However, Anderson and Rossini et al each disclose plural magnets on both the inside and outside of the window and it would have been obvious to modify Spangenberg to have matching plural magnets on the outside so as to match those on the inside.

Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon et al in view of either Rossini et al, Anderson '012 or Spangenberg.

Each of the secondary references disclose plural magnets, as discussed above. It would have been obvious to modify Kwon et al to have matching plural magnets on the inside and outside so as to increase magnetic attraction.

Claims 1,8-11,16,22,23,25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon et al in view of Anderson 4,768,576.

In Kwon et al, see inner carriage 11, external carriage 13, spiral rod 8, tilt lines 18, and stop 12. Regarding the raise/lower mechanism, see 16, etc., and line 17, as well as paragraph 0071.

Anderson '576 a housing in which to slide the exterior carriage and friction reducing element 25. In view of this teaching, it would have been obvious to modify Kwon et al to have such a housing to conceal and guide his external magnet. Claim 22 is met as best understood.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon et al in view of Anderson '576, as applied above, and further in view of Spangenberg.

Spangenberg discloses the floating magnet mounting and is applied as above.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon et al in view of Anderson '576, as applied above, and further in view of Early et al.

Early et al is applied here as above.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon et al in view of Anderson '576, and Early et al, as applied above, and further in view of Rossini et al or Anderson '012.

The teachings of Rossini et al and Anderson '012 are applied here as above.

Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon et al in view of Anderson '576, Early et al and Rossini et al or Anderson '012, as applied above, and further in view of Spangenberg.

Spangenberg is applied here as above.

Allowable Subject Matter

Claims 51-55 are allowed.

Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Regarding Kwon et al, the rejection has been altered to reflect the amendments which included adding the housing and plurality of magnets. However, the housing and plurality of magnets are conventional, as pointed out above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

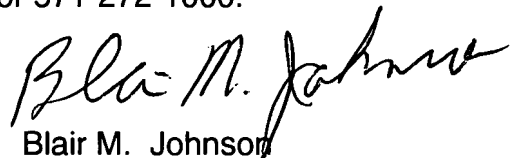
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
5/16/07